

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BMF ADVANCE, LLC,

Plaintiff

v.

TEXAS MEDICAL TECHNOLOGY,
INC. AND JAD SHRAIM,

Defendants

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CIVIL ACTION NO. 4:22-cv-1317

NOTICE OF REMOVAL

Defendants Texas Medical Technology, Inc. and Jad Shraim file this Notice of Removal, and would show:

I. SUMMARY AND ALLEGATIONS IN THE PLEADINGS

1. On February 10, 2022, Plaintiff BMF Advance, LLC filed its Original Petition in the lawsuit styled *BMF Advance, LLC v. Texas Medical Technology, Inc. and Jad Shraim*, Cause No. 2022-08377 in the 133rd District Court of Harris County, Texas (the “State Court Lawsuit”).

2. On March 14, 2022, Plaintiff filed a First Amended Petition in the State Court Lawsuit.

3. Plaintiff alleges in the State Court Lawsuit that (i) it purchased receivables of Texas Medical through a series of contracts, (ii) Jad Shraim guaranteed Texas Medical’s performance under those contracts, (iii) Texas Medical did not make installment payments to Plaintiff under the contracts; and (iv) Shraim did not ensure Texas Medical’s performance under the contracts.

4. Plaintiff asserts causes of action against Defendants in the State Court Lawsuit for fraud, fraud in the inducement, breach of contract, breach of guaranty agreement, and quantum meruit.

II. PROCEDURAL REQUIREMENTS FOR REMOVAL

5. Plaintiff's Original Petition was filed in the State Court Lawsuit on February 10, 2022. Plaintiff filed its First Amended Petition on March 14, 2022.

6. Defendant Jad Shraim filed an Original Answer to Plaintiff's Original Petition in the State Court Lawsuit on March 14, 2022.

7. Plaintiff served Texas Medical with the First Amended Petition and Citation on April 4, 2022.¹

8. Defendants file this Notice of Removal within 30 days of service of the First Amended Petition and citation on Texas Medical, and, therefore, this removal is timely.

9. Defendant Jad Shraim joins in and consents to this removal.

10. Pursuant to Local Rule 81 and 28 U.S.C. §1446(a), Defendants attach the following documents:

- (1) an index of matters being filed, attached as Exhibit "1";
- (2) all pleadings asserting causes of action, along with all other documents included in the state court file, attached as Exhibit "2";
- (3) a list of all counsel of record, including addresses, telephone numbers, and parties represented, attached as Exhibit "3"; and
- (4) State court docket sheet, attached as Exhibit "4."

11. No docket control order has been issued as of the date of this filing.

12. Under 28 U.S.C. §1442(a), venue of the removed action is proper in this Court as this is the district where the state action is pending.

¹ Plaintiff did not serve its Original Petition on Texas Medical.

13. Defendants will promptly give Plaintiff written notice of the filing of this Notice of Removal as required by 28 U.S.C. §1446(d). Defendants will also promptly file a copy of this Notice of Removal with the Clerk of the 133rd Judicial Court of Harris County, Texas, where the action is currently pending, also pursuant to §1446(d).

III. BASIS FOR REMOVAL

14. Defendants would show the basis for removal is diversity jurisdiction under 28 U.S.C. §1332.

15. There is complete diversity of citizenship between the parties pursuant to 28 U.S.C. §1332.

16. Plaintiff is a Delaware limited liability company with principal places of business in New York and Florida.²

16. Defendant Texas Medical Technology, Inc. is a Texas corporation with its principal place of business in Texas.³

17. Defendant Jad Shraim is a Texas resident.⁴

18. The amount in controversy in this case exceeds \$75,000. Plaintiff's First Amended Petition states it seeks actual damages of \$3,258,500.00"⁵

19. Thus, there is diversity jurisdiction and removal is proper. 28 U.S.C. § 1332.

PRAYER

Based on the foregoing, Defendants Texas Medical Technology, Inc. and Jad Shraim pray that this case be removed to the United States District Courts for the Southern District of Texas, and for all other relief to which it may be entitled.

² Plaintiff's First Amended Petition at ¶ 5.

³ *Id.* at ¶ 2.

⁴ *Id.* at ¶ 3.

⁵ *Id.* at ¶ 25 and Prayer.

Respectfully submitted,

Gordon Rees Scully Mansukhani LLP

By: /s/ Christopher M. Raney
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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was served upon all counsel of record by electronic filing on April 25, 2022.

/s/ Christopher M. Raney
CHRISTOPHER M. RANEY